

5th Annual General Conference of the Commonwealth Women Parliamentarians (CWP) Africa Region

“Are African Legislatures on Target Towards Attaining the 2015 Millennium Development Goals?”

Eastern Cape (East London) South Africa, 9 – 13 February 2013

Presentation on:
**“Elimination and prevention of all forms of violence
against women and girls”**

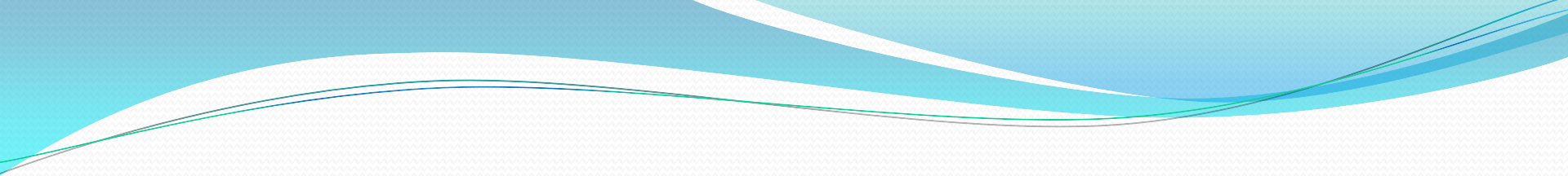
by Hon Sarah Sayifwanda, MP (Zambia)

Key Aspects of the Presentation

- Introduction- which gives an overview on violence against women and Girls
- Some of the Causes of violence against women and girls and its effects
- International Efforts aimed at Curbing Violence Against Women and Girls
- The Zambian Picture (an overview of violence against women and girls in Zambia)
- Zambia's Efforts in curbing violence against women and girls
- The process that was involved in the enacting the Anti-Gender Based Violence Act which include:
 - The preparing of the public to accept the not just the Act, but the need to curb the vice,
 - The involvement of parliament and strategies that were used in the adoption of the law;
 - Key measures of the law and why Zambia chose to legislate on gender-based violence as opposed to domestic violence; and
 - How the Zambian Parliament is overseeing the implementation of these measures.
- Why an Anti-Gender Based Violence Act?, and challenges faced in the enactment and implementation of the Anti-Gender Based Violence Act.

Introduction

- Violence against women and girls is a worldwide phenomenon, which spans all social classes and age groups.
- It has been discussed at global, regional and national levels.
- It has been identified as a vice rooted in gender inequality and thus is one of the major factors which have hindered the achievement of gender equality.
- It is one of the most pervasive human rights violations in the world and should be prevented to ensure that women and girls lead healthy and productive lives and that their human rights are upheld.

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- It is a phenomenon that cuts across race, class, age, religious and national classification.
 - Violence against women and girls is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women.
 - It is directed against the women because of their sex and gender roles, and affects them disproportionately.
 - In the face of gender based violence, women and children are often in great danger in the places where they should be safest including their homes.
 - It is within their families that some women and girls face terror and violence at the hands of somebody close to them.

Identified Causes of Violence against Women and Girls

- Studies have shown that the main cause is the power gap between men and women and the way women are disadvantaged in key areas.
- The majority of the poor worldwide are female who generally earn less than men and are forced into marginal sectors of the labour market with a lower economic status.
- They are also less likely to have access to education and career development and are less involved in political decision-making processes.
- Drugs and beer are also another cause.

Effects of Violence Against Women and Girls

- The prevalence and incidence of violence is so significant that it has devastating consequences for individuals, families and societies. It leads to physical, mental, sexual and reproductive health problems for individuals and enormous social and economic costs for societies.
- Violence against women and girls is further strongly linked to other forms of violence such as child maltreatment.
- There have been studies which have highlighted the direct and indirect economic impact of violence against women and girls to society.
- There have also been a lot of studies which have looked at various interventions and this has included the aspects of prevention and also how to deal with the vice.

International Efforts aimed at Curbing Violence Against Women and Girls

- Due to global recognition of the negative effects of violence, the international community has made strides to compel countries and governments to find ways of ending the vice
- This has included the passing of the Convention on the Elimination of all Forms of Discrimination against women (CEDAW)
- Countries are expected to submit periodic reviews of the CEDAW implementation to the UN Committee on the Elimination of all Forms of Discrimination against Women.

The Zambian Picture

- Violence against women and girls in Zambia has been identified as one of the negative vices that are affecting almost all communities in the country.
- This has led to an outcry from the Zambian people for the need to curb this endemic vice of violence against women and girls.
- The prevalence of physical and sexual violence against women and girls in Zambia is extremely high.
- A 2007 government survey reported 47% of Zambian women had been victim of physical violence at least once since the age of 15 and that at least one in ten women experienced sexual violence.
- In 2011, the Zambian Victim Support Unit(VSU), a unit of the Zambian Police responsible for responding to sexual offenses and other crimes against women and children recorded 11,908 reports of gender –based violence, up from 8,261 in 2009.

- The actual occurrence of gender violence is almost certainly much higher due to the likelihood of underreporting.
- There have also been a sharp increase in cases of defilement (statutory rape) reported to the University Teaching Hospital since 2008, from 1,237 cases in 2008 to 2,430 cases in 2010.
- Defilement cases have also increased from 1,676 in 2009 to 1,939 in 2011.
- The given statistics may be an indication of an increase in incidents of defilement, an increase in reporting due to heightened awareness of the legal remedies available for sexual violence, or both.

Zambia's Efforts to curb Violence against Women and Girls

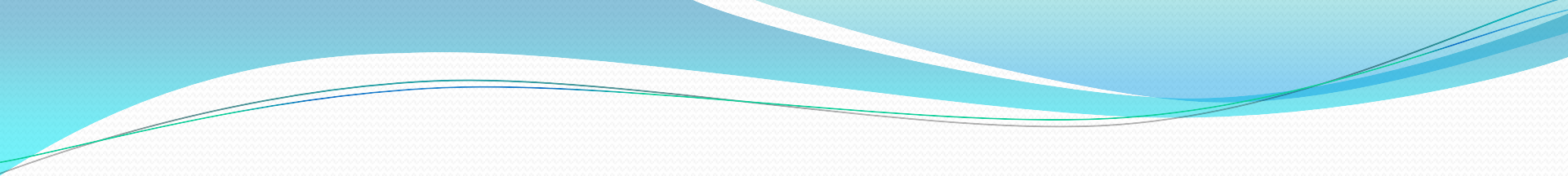
At International Level:

- Zambia has ratified without reservation, four international human rights treaties that oblige it to prevent and respond to violence namely:
 - the international Convention on Economic, Social and Cultural Rights (ICESCR);
 - The International Covenant on Civil and Political Rights (ICCPR);
 - The Convention on the Rights of the Child (CRC); and
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

At regional level:

- Zambia has voluntarily assumed a number of regional and sub-regional human rights obligations which include the following:
 - African Charter on Human and People's Rights;
 - African Charter on the Rights and Welfare of the Child;
 - The Protocol to the African Charter on Human Rights and People's Rights on the Rights of Women in Africa;
 - The Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children (Great Lakes Protocol); and
 - The Southern African Development Community Protocol on Gender and Development.

- The Zambian Government's commitment to address gender, women and girls issues can be seen in the legislative and administrative measures it has put in place which include the following:
- the amendment of the Penal Code to ensure that it adequately addresses issues of violence against women. Some of the areas amended include: Act No. 15 of 2005 which prescribes stiffer punishment in all forms of sexual harassment;

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- the reviewing the Constitution through a wide consultative process to ensure that it, among other things, removes any gender discriminatory laws;
 - the adoption of the National Gender Policy and its Strategic Plan of Action in 2000 and 2004 respectively;
 - the promotion and support of gender awareness campaigns to help change harmful and negative cultural practices of society.

- The setting up of the National Guidelines that are reference material for service delivery for all personnel who come in contact with survivors of sexual and gender based violence.
- the establishment in 1994 of the Zambia Police Victim Support Unit (VSU) which deals with cases of femicide; property grabbing; spouse battering and girls sexual abuse;

- Introduction of the Drop-In-Centre and shelters by the YWCA for battered women and abused children, and counselling services to victims and perpetrators of violence by various NGOs;
- Codification of customary laws which will eventually be harmonized with statutory laws so that the application of the two sets of laws is not contradictory; and
- the enacting of the Anti-Gender-Based Violence Act (2011).

The Anti-Gender-Based Violence Act (2011)

- Whenever new Legislation is put in place, it tends to create a lot of emotions.
- This was the case in the passing of the GBV Law in Zambia.
- Gender is seen as an issue for women when this should not be the case, as it should cater for both men and women.
- Men were not comfortable as they thought women were trying to take over their roles in the homes.
- To the traditional chiefs saw this as an infringement on customary law and customs as you may wish to know that in Zambia we practice a dual legal system.
- The GBV Law is emotional and it is for this reason that I wish to urge those countries who have not yet put in place a law against this vice to be careful on how it is handled.

How the Process of putting up the Legislation was done in Zambia

- The Gender Division, civil society organisations and cooperating partners, came together to put up a strategy on how to prepare the piece of legislation.
- Involvement of other stake holders, namely the NGOs, traditional chiefs, Members of Parliament, religious leaders and the women themselves was put in place.
- Sensitisation workshops with various stakeholders to make sure they understood what this piece of legislation that was being put in place was all about.
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- The Legislation was also translated in various local languages to enable everyone in Zambia understand the issues involved.

Key Measures of the GBV Act

- The Anti-Gender Based Violence Act No. 1 of 2011 was passed by Parliament to provide for the protection of gender-based violence victims.
- Act consists of seven parts with forty one provisions broken down as follows:
 - (i) part one deals with preliminary issues;
 - (ii) part two handles the filing of and deals with complaints on gender based violence;
 - (iii) part three makes provision for protection orders;
 - (iv) part four provides for the establishment of shelters for victims;
 - (v) part five establishes an Anti-gender based violence committee;
 - (vi) part six provides for the establishment of an Anti-Gender Based Violence Fund; and
 - (vii) part seven deals with other general provisions that have not been specifically dealt with above.

How the **Zambian Parliament Oversees the Implementation of these Measures**

- Parliamentary Committees, Vice-President's Question time and Questions to Ministers, Review of reports of Ministries and Government departments and Motions.
- Government actions on gender matters are specifically monitored by the Committee on Legal Affairs, Governance, Human Rights, Gender Matters and Child Affairs.
- The Committee has the mandate to oversee the activities carried out by the Ministry of Gender and Child Development which is mandated with overseeing the implementation of gender based programmes and activities.

Why an Anti- Gender Based Violence Act?

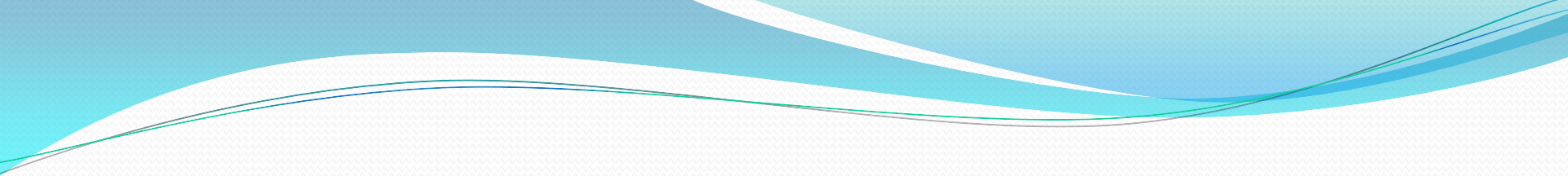
- “Anti-Gender Based Violence” Act because it accommodates all the areas of gender violence and where it can be perpetrated. E.g. the work place, schools, streets and homes.
- “Domestic” legislation, would be restricted to issues in the home especially between the wife and husband as child battering is considered as “a form of discipline”.

Challenges faced in the Enactment and Implementation of the Anti-Gender –Based Violence Act

- The conflict between the two legal systems followed in Zambia namely customary versus statutory;
- Attitudes towards women including in Parliament itself;
- Notions on issue of “wife battering”;
- Funding which affected the sensitization stages;
- The co-ordination during the sensitization stage because of no clear structure of who should take it up, was it to be the Gender Division or Ministry of Home Affairs, or Ministry of Justice?

Conclusion

- The passing of the Anti-Gender Based Violence Act in Zambia has been a step as a nation to come up with legislation aimed at curbing violence against women and girls.
- The legislations which is now a law, has actually helped in bringing to the fore the levels and places where gender violence is taking place.
- Enabled victims to come out and report cases;
- There is now more reporting on the vice in the media; and
- This has made it easy for the enforcement agencies to work so that gender based violence is curbed.



I THANK YOU ALL FOR YOUR
ATTENTION.